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09/625,275	07/25/2000	Eric Hayes	05156.00003	6791

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EXAMINER
CUNNINGHAM, GREGORY F

ART UNIT	PAPER NUMBER
2676	11

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 February 2003 and 05 February 2003</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-4,6-11 and 13-82</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4,6-11,13-37 and 39-82</u> is/are rejected.

7)☒ Claim(s) <u>38</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 July 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☒ Interview Summary (PTO-413) Paper No(s). <u>10</u> .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

1.   This action is responsive to communications of amendment received 02/03/2002 and 02/05/2003.

2.   The disposition of the claims is as follows: claims 1-15 are pending in the application. Claims 5 and 12 have been cancelled. Claims 16-82 have been added. Claims 1, 16, 30, 41, 55, and 69 are independent claims. Claims previously designated as 55-82 have been renumbered to 54-82, respectively, since claim numbers 54 and 66 were skipped. In now renumbered claims 56-82, referenced claims have been renumbered to maintain antecedent. The last entered claim is claim 82.

Claim Objections

3.   Claim 38 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 38 is identical to claim 11.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6.   Claim 9 recites the limitation "claim 5" in line 1. There is insufficient antecedent basis

for this limitation in the claim.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   Claims 1-4, 6-11, 13, 16-27, 30-37, 41-44, 46-50, 52, 55-66, and 69-80 are rejected under

35 U.S.C. 103(a) as being unpatentable over MS-DOS Batch File Programming, 2nd Edition,
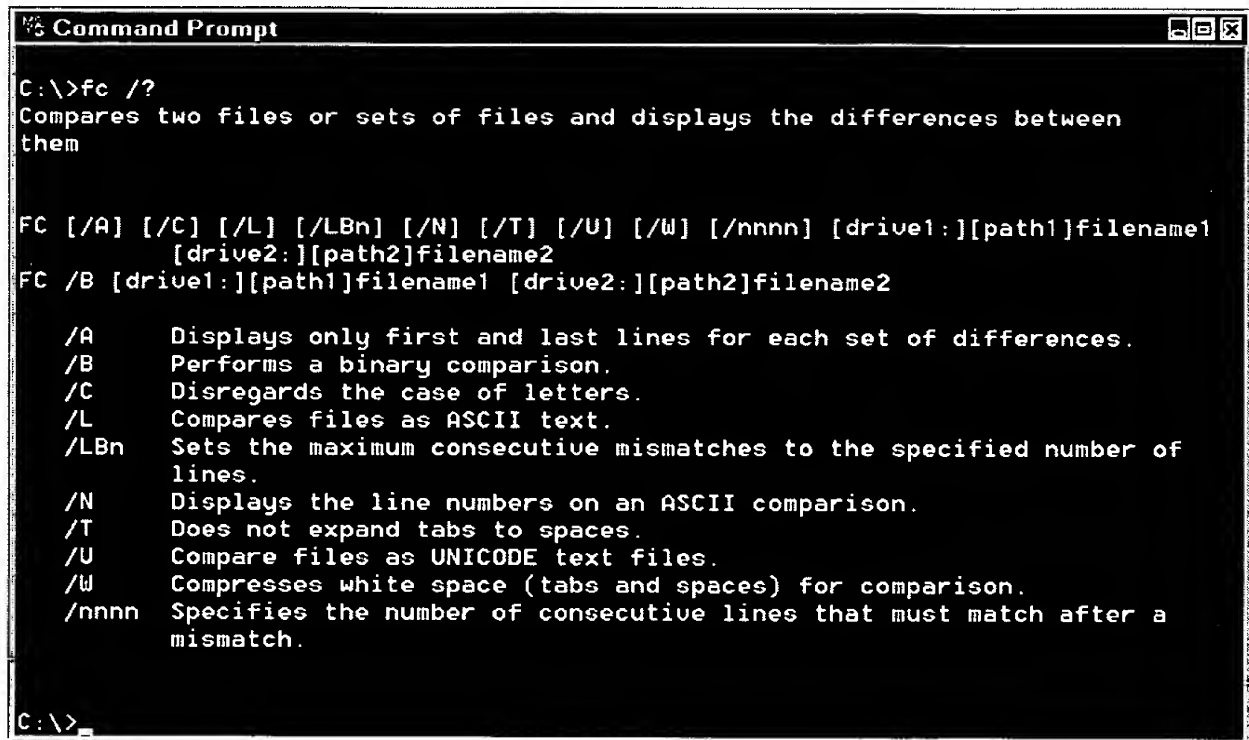
hereafter MS-DOS.

A.   Per claim 1, operating MS-DOS the fc command, see Fig. 1 below, for using file compare

and supplying the directory paths and file names for both a known good (uncorrupted) file and

the suspected (corrupted) file. The files can be any type files, i.e. text, font, or binary. The fc

command will determine and display the results indicating if the two files compared are OK or if

there are errors. More info can be determined and displayed depending on the combination of

switches use with fc. See p. 382-383 and 415 in MS-DOS for the fc command. Although MS-

Dos does not show using a file/font server, Official notice is taken that the art is replete with the

feature of fc wherein file1 or file2 resides on a server.

     Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply fc disclosed by MS-DOS in combination with a server disclosed by

Office Notice, and motivated to combine the teachings because it would receive, compare, and

determine corruption between two font files between networked or coupled computer systems.

Fig. 1

```
Command Prompt                                                    _□☒

C:\>fc /?
Compares two files or sets of files and displays the differences between
them


FC [/A] [/C] [/L] [/LBn] [/N] [/T] [/U] [/W] [/nnnn] [drive1:][path1]filename1
          [drive2:][path2]filename2
FC /B [drive1:][path1]filename1 [drive2:][path2]filename2

   /A       Displays only first and last lines for each set of differences.
   /B       Performs a binary comparison.
   /C       Disregards the case of letters.
   /L       Compares files as ASCII text.
   /LBn     Sets the maximum consecutive mismatches to the specified number of
            lines.
   /N       Displays the line numbers on an ASCII comparison.
   /T       Does not expand tabs to spaces.
   /U       Compare files as UNICODE text files.
   /W       Compresses white space (tabs and spaces) for comparison.
   /nnnn    Specifies the number of consecutive lines that must match after a
            mismatch.


C:\>_
```

B.   Per claim 2, although the method according to claim 1 is disclosed supra, MS-DOS does

not disclose the use of checksum. However Official Notice is given that telecommunication

software, particularly xmodem, ymodem, zmodem, and procomm use a checksum to send,

receive, and compare files between networked computer systems, wherein determination is made

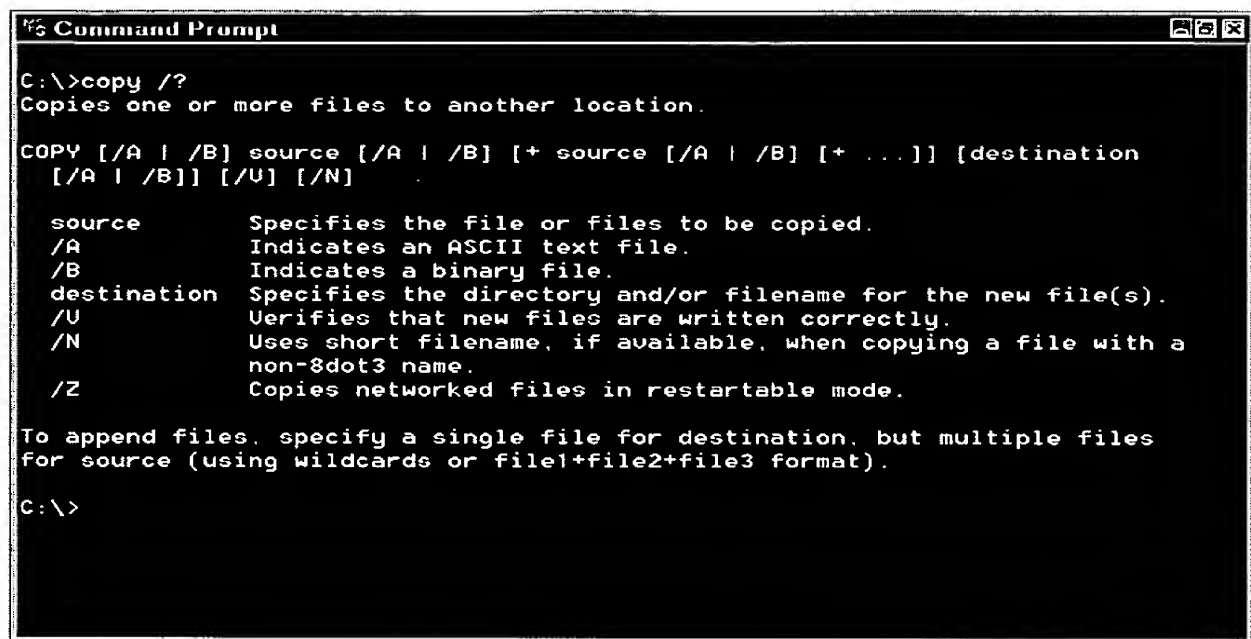as to the success of the transferred files.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply fc with servers as disclosed supra in combination with xmodem, ymodem, zmodem, and/or procomm disclosed by Office Notice, and motivated to combine the teachings because it would receive, compare, and determine corruption between two networked or coupled computer systems and using checksums in the process as revealed supra.

C.   Per claim 3, operating MS-DOS command copy, copies one or more files from the source location to the destination location. Therefore specifying the source as the uncorrupted font file and the destination as the corrupted font file, the copy command will send a copy of the uncorrupted file to the location of the corrupted file thereby overwriting or replacing it. See the following Fig. 2 detailing description of DOS copy command. See p. 372 and 412 in MS-DOS for the copy command. Although MS-Dos does not show using a file/font server, Official notice is taken that the art is replete with the feature of copy wherein file1 or file2 resides on a server.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply copy disclosed by MS-DOS in combination with a server disclosed by Office Notice, and motivated to combine the teachings because it would receive, compare, and determine corruption between two font files between networked or coupled computer systems and replace the corrupted file with an uncorrupted file as revealed supra.

Fig. 2

```
MS Command Prompt                                                    [_][□][X]

C:\>copy /?
Copies one or more files to another location.

COPY [/A | /B] source [/A | /B] [+ source [/A | /B] [+ ...]] [destination
  [/A | /B]] [/V] [/N]

  source       Specifies the file or files to be copied.
  /A           Indicates an ASCII text file.
  /B           Indicates a binary file.
  destination  Specifies the directory and/or filename for the new file(s).
  /V           Verifies that new files are written correctly.
  /N           Uses short filename, if available, when copying a file with a
               non-8dot3 name.
  /Z           Copies networked files in restartable mode.

To append files, specify a single file for destination, but multiple files
for source (using wildcards or file1+file2+file3 format).

C:\>
```

D.   Per claim 4, "wherein said step of replacing further includes: transmitting the uncorrupted

font file from the font server to the computer system; and storing the uncorrupted font file in

memory in the computer system", is disclosed supra for claim 3 whereby the MS-DOS command

copy, copies one or more files from the source location to the destination location. Therefore, via

Official Notice as also disclosed supra, specifying the source as the server with the uncorrupted

font file and the destination as the computer system with the corrupted font file, the copy

command will transmit the file by overwriting and replacing the corrupted file with the

uncorrupted file. See the Fig. 2, supra, detailing description of MS-DOS copy command.

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply the MS-DOS copy command disclosed by MS-DOS in combination

with using a server as disclosed by Office Notice, and motivated to combine the teachings

because it would replace the corrupted file with an uncorrupted file as revealed supra.

Note: Memory in a computer system has two basic forms: volatile and non-volatile, two

sub-forms of volatile are RAM, DRAM; two sub-forms of non-volatile are non-storage and

storage; within non-storage is ROM; within storage are floppy, hard and removable disk drives,

and CDs. Therefore coping a file to any of these is equivalent to storing in memory.

E.   Per claim 6, "further comprising the step of transmitting a result of said step of

determining to the computer system" is disclosed supra for claim 1, operating MS-DOS the fc

command, see Fig. 1 supra, for using file compare and supplying the directory paths and file

names for both a known good (uncorrupted) file and the suspected (corrupted) file. The files can

be any type files, i.e. text, font, or binary. The fc command will determine and display the results

indicating if the two files compared are OK or if there are errors. More info can be determined

and displayed depending on the combination of switches use with fc. See p. 382-383 and 415 in

MS-DOS for the fc command.

The MS-DOS file compare 'fc' disclosed supra can be combined along with the

redirection '>' command disclosed on p. 398 of MS-DOS. The following command would

therefore perform a file comparison with filename1 on source drive s:\ and filename2 on

destination drive d:\ and sent the resulting report to a file named results on drive r:\ as follows:

fc s:\path\filename1 d:\path\filename2 > r:\results

Also note that drives s, d, or r can be local, remote, network, or server drives and r:\ can just as

well be s:\ or d:\ drives as disclosed by Official Notice supra. Filename 1 can be the uncorrupted

font file and filename2 can be the corrupted font file or vice versa. The file type really doesn't

matter, although for binary files use the /b switch with fc. The redirection '>' will send the

resulting report of the fc command to drive r:\ into a file named results.

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply fc and the redirect piping command '>" disclosed by MS-DOS in

combination with a server disclosed by Office Notice, and motivated to combine the teachings

because it would receive, compare, and determine corruption between two font files between

networked or coupled computer systems.

F.   Per claim 7, this is disclosed supra for claim 3, whereby transmitting and send are

equivalent.

G.   Per claim 8, "further comprising the step of charging to replace the at least a portion of

the font file with the uncorrupted file", Official notice is taken that the art is replete with

charging: VISA, MASTERCARD, AMERICAN EXPRESS.

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply the charging using either VISA, MASTERCARD, or AMERICAN

EXPRESS as disclosed by Office Notice, and motivated to combine the teachings because it is a

well known method for charging.

Note: Claimed method of charging lacks any detail, said charging step can be as simple

as paper invoiced charge or swiping a credit card.

H.   Per claim 9, "where if the font file is corrupted, transmitting a request to the computer

system asking whether at least a portion of the font file should be replaced with the uncorrupted

file" is disclosed, supra for claim 3, whereby the MS-DOS copy command requests a file copy

from the source location, if the command syntax is correct the request is granted. Also note the art is replete with using MS-DOS batch script files with the 'IF' command for decision-making.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the MS-DOS copy command disclosed supra in combination with networked computer systems disclosed by Office Notice, and motivated to combine the teachings because it would request and replace the corrupted file with an uncorrupted file.

I.   Claim 10 is disclosed supra for claims 3 (7) and 8.

J.   Claim 11 is disclosed supra for claim 8.

K.   Claim 13 is disclosed supra for claim 1 at "display the results indicating if the two files compared are OK or if there are errors."

L.   Claim 16 is disclosed supra for claims 1 and 11.

Examiner's Note: Claim 16 as claimed could be as simple as comparing the paper printouts associated with the two files and making a determination as to corruption, (i.e. claim 16 lacks any statement that a computer actually performs the operation or process).

M.   Claim 16 is disclosed supra for claims 1 and 11.

N.   Claims 17-19, 20, 21-25, and 26-27 are disclosed supra for claims 2-4, 1, 6-10 and 12-13 respectively.

O.   Claim 30 is disclosed supra for claims 1 and 13.

P.   Claims 31-33, 34-35 and 36-37 are disclosed supra for claims 2-4, 7-8 and 9-10 respectively. Wherein for claims 36-37, "receiving a request at the computer system" is equivalent to "transmitting a request to the computer system" and "transmitting a request to the

font server" is equivalent to "receiving a request from the computer system" in the computer-server communications.

Q.   Per claim 55, Official notice is taken that the art is replete with MSDOS command fc when used with the /B switch performs a binary comparison (byte-by-byte basis) and summarizes the results. The compared files can be any type file, font-file or otherwise. See Fig. 1 detailed description of fc, supra.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the MSDOS fc command along with /b binary switch disclosed by Office Notice, and motivated to combine the teachings because it would compare binary font files.

R.   Claims 56-57, 58, 59-64, 65-66 are disclosed supra for claims 2-4, (1 & 55), 6-11 and 26-27 respectively.

S.   Claim 69 is disclosed supra for claims 1 and 2.

T.   Claims 70-71, 72 and 73-80 are disclosed supra for claims 3-4, (1 & 5), and 6-13, respectively.

9.   Claims 14, 15, 28, 29, 39, 40, 41-54, 67, 68, 81 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over MS-DOS Batch File Programming, hereafter MS-DOS, as applied to claim 1 above, and further in view of Ball et al., (US Patent Publication Number 2002/0120648 A1).

A.   Per claim 14, "The method according to claim 1, further comprising the step of determining whether a preset corruption period has expired and initiating said step of comparing

when said preset corruption period has expired" is disclosed supra for claim 1. However it does

not disclose, "further comprising the step of determining whether a preset corruption period has

expired and initiating said step of comparing when said preset corruption period has expired".

But Ball et al. does at "[0165] CGI is a problem because there is no way for snapshot to interact

with the user and the user's browser, other than by sending HTML output. When a CGI script is

invoked, httpd sets up a default timeout, and if the script does not generate output for a full

timeout interval, httpd will return an error to the browser. This was a problem for snapshot

because the script might have to retrieve a page over the Internet and then do a time-consuming

comparison against an archived version. The server does not tell snapshot what a reasonable

timeout interval might be for any subsequent retrievals; instead this is hard-coded into the script.

In order to keep the HTTP connection alive, snapshot forks a child process that generates one

space character (ignored by the W.sup.3 browser) every several seconds while the parent is

retrieving a page or executing htmldiff."

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply the copy command disclosed by MS-DOS in combination with

timeouts disclosed by Ball et al., and motivated to combine the teachings because it would

identify changes by comparison after timeout period expired as disclosed in abstract of Bell et al.

B.   Per claim 15, "The method according to claim 14, further comprising the step of resetting

the corruption period in response to said step of initiating" is disclosed supra for claim 14,

particularly at "The server does not tell snapshot what a reasonable timeout interval might be for

any subsequent retrievals; instead this is hard-coded into the script." Wherein the reset period is

automatically reset since it is hard-coded into the script.

C.   Claims 28 and 29 are disclosed supra, for claims 1 and 11, then for claims 14 and 15

respectively.

D.   Claims 39 and 40 are disclosed supra, for claims 1 and 13, then for claims 14 and 15

respectively.

E.   Claim 41 is disclosed supra for claims 1 and 14.

F.   Claims 42-44, 45, 46-52 and 54 are disclosed supra for claims 2-4, 1 and 6-12,

respectively.

G.   Claim 53 is disclosed supra for claims 1, 14, 2 and 13.

H.   Claim 54 is disclosed supra for claims 1, 14 and 15.

I.   Claims 67 and 68 are disclosed supra, for claims 28 and 29, respectively.

J.   Claims 81 and 82 are disclosed supra, for claims (69 & 79 & 14) and (69 & 79 & 15),

respectively.

Response to Arguments

10.   Applicant's arguments with respect to claims 1-4,6-11, and 13-15 have been considered

but are moot in view of the new ground(s) of rejection.

Responses

11.   Responses to this action should be mailed to: Commissioner of Patents and Trademarks,

Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for

formal communications or (703) 308-6606 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Inquiries

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

J.F. Cunningham

gfc

May 1, 2003

Matthew Bella

**MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**